

## ***FISH & WILDLIFE COMMISSION AGENDA ITEM COVER SHEET***

**Meeting Date:** October 8, 2015

**Agenda Item:** Unlocking Public Lands ARM Amendments

**Division:** Wildlife

**Action Needed:** Proposed

**Time Needed on Agenda for this Presentation:** 15 minutes

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### **Background**

The 2015 Legislature passed SB309, establishing a program in which a private landowner who provides public access to a parcel of public land through a contractual agreement with FWP can receive a \$750 tax credit for each qualified access to state land, with a limit of \$3,000 per year. The law requires the Commission to adopt administrative rules for establishing contracts that address: a) duration of access; b) types of qualified access; and c) reasonable landowner-imposed restrictions. The law becomes effective Jan. 1, 2016, applies to tax years beginning after Dec. 31, 2015, and terminates Dec. 31, 2020. FWP intends to commence the administrative process of developing contracts with landowners upon adoption of final ARM.

### **Public Involvement Process & Results**

With Commission approval, FWP would initiate administrative rulemaking, which would include a public comment period. The complete rulemaking process will take approximately four months to complete – including public comment, analysis of comments, Commission consideration and final decision

### **Alternatives and Analysis**

Failure to propose amendments would result in inconsistency and noncompliance with SB 309.

### **Agency Recommendation & Rationale**

FWP recommends the Commission approve for public comment the proposed amendments. To carry out the new legislation, FWP must have a method by which lawful contracts can be negotiated with landowners to allow public access to public lands through this program. The proposed rules provide a means for complying with SB 309 to implement the Unlocking Public Lands Program.

### **Proposed Motion**

I move the Commission approve for public comment the proposed amendments to ARM 12.2.601 State Land Access Tax Credit.